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*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA, PHOENIX

11 Allen Scott and Erlinda Scott, husband and wife.

Case No.

(Yuma County Superior Court case no.  
S1400CV202300382)

12 Plaintiff,

vs.

14 Hefei Wanli Tire Co., Ltd., a Foreign joint  
15 venture; Wanli Tire Corp., Ltd., a foreign  
16 corporation Wanli Commercial Tire North  
17 America, Inc., a foreign company;  
18 Guangzhou Industrial Investment Holding  
19 Group., Ltd., a Foreign corporation: Hefei  
JAC Automobile Co., Ltd., a foreign  
corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation;  
20 DOES I through X, ABC  
PARTNERSHIPS I through X, and  
BLACK CORPORATIONS I through X.,

## **NOTICE OF REMOVAL**

Judge:

21 || Defendant

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and Local Rule 3.6 (“L.R. Civ.”), Local Rules of the United States District Court for the District of Arizona, Defendant Wanli Tire Corp., Ltd., by and through undersigned counsel, hereby gives notice of the removal of the above captioned case from the Superior Court of the State of Arizona, in and for the County of Yuma, to the United States District Court for the District of Arizona, and in support thereof respectfully asserts:

1       1. On November 6, 2023, Plaintiffs Allen and Erlinda Scott, filed the present  
 2 lawsuit in the Superior Court of the State of Arizona, in and for the County of Yuma, Case  
 3 No. S1400CV202300382. *See* Complaint, Summons, Demand for Jury Trial, and Certificate  
 4 of Compulsory Arbitration, attached as **Exhibits “A,” “B,” “C,” and “D.”**

5       2. On October 22, 2024, Defendant was served a copy of the previously listed  
 6 exhibits.

7       3. This court has original jurisdiction over “all civil actions where the matter in  
 8 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is  
 9 between . . . citizens of different states.” 28 U.S.C. § 1332.

10      4. Plaintiffs were citizens of the State of Arizona at the time this action  
 11 commenced. *See* Exhibit “A” at ¶ 2.

12      5. Defendant is a foreign corporation organized and existing under the laws of  
 13 China, with its principal place of business in Wanli, China.

14      6. Pursuant to 28 U.S.C. § 1441 (b)(1), the citizenship of Defendants sued under  
 15 fictitious names (Does I through X, ABC Partnerships I through X, and Black Corporations I  
 16 through X, etc) are disregarded.

17      7. Accordingly, complete diversity exists under 28 U.S.C. § 1332(a)(1) because  
 18 this is a civil action between citizens of Arizona and a foreign corporation.

19      8. The Complaint alleges that Defendant Wanli Tire Corp, Ltd. Is strictly liable  
 20 under a theory of products liability for selling a tire with a defective condition and when in  
 21 the scope of a foreseeable use by Plaintiffs caused their alleged injuries and damages. *See*  
 22 Exhibit “A” at ¶¶ 19-24.

23      9. The Complaint further alleges that Defendant Wanli Tire Corp, Ltd. is liable  
 24 under a theory of negligence for the same conduct. *See* Exhibit “A” at ¶¶ 25-28.

25      10. Pursuant to 27 U.S.C. § 1446(a), a notice of removal “need include only a  
 26 plausible allegation that the amount in controversy exceeds the jurisdictional threshold.”  
 27 *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014). Evidence to establish  
 28 the amount in controversy is required “only when the plaintiff contests, or the court

1 questions, the defendant's allegation." *Id.*

2       11. Plaintiffs claim that the damages at issue qualify this matter for Tier 3, which  
 3 means they seek damages exceeding \$300,000. *See Exhibit "A"* at page 5 line 27; Arizona  
 4 Rules of Civil Procedure 26.2(c)(3).

5       12. Because this is a civil action between parties with complete diversity of  
 6 citizenship and the amount in controversy, exclusive of interest and costs, exceeds the  
 7 jurisdictional minimum of \$75,000, this Court has original subject matter jurisdiction  
 8 pursuant to 28 U.S.C. § 1332, and this action may be removed pursuant to 28 U.S.C. §  
 9 1441(a).

10      13. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because it  
 11 is being filed within thirty (30) days after receipt of the complaint by Defendant.

12      14. Pursuant to L.R. Civ. 3.6(a), a copy of the most recent version of the docket  
 13 from the Yuma County Superior Court is attached as **Exhibit "E."**

14      15. Pursuant to 28 U.S.C. § 1446(a) and L.R. Civ. 3.6(b), undersigned counsel  
 15 certifies that exhibits "A" through "E" attached include true and complete copies of all  
 16 documents filed in the Superior Court of the State of Arizona, in and for the County of Yuma.  
 17 *See Declaration of Matthew D. Kleifield, attached as **Exhibit "F."***

18      16. A Notification of Filing Notice of Removal in Federal Court in the form  
 19 attached as **Exhibit "G"** shall be filed in Superior Court of the State of Arizona, in and for  
 20 the County of Yuma, pursuant to 28 U.S.C. § 1446(d) and served upon counsel for Plaintiff.

21           WHEREFORE, Defendant requests that the above action now pending in the Yuma  
 22 County Superior Court be removed to this Court.

24           DATED this 22<sup>nd</sup> day of November, 2024

1 LEWIS BRISBOIS BISGAARD & SMITH LLP  
2  
3

4 By: /s/ Matthew D. Kleifield  
5 Matthew D. Kleifield  
6 Cameron A. Hamrick  
7 Attorneys for Defendants  
8  
9

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on November 22, 2024, I electronically transmitted the attached  
12 document to the Clerk's Office for filing using the CM/ECF System, including as to the  
13 following parties.

14  
15 Davis Miles  
16 **McGuire Gardner**  
17 40 E. Rio Salado Parkway Suite 425  
Tempe, AZ 85281  
Telephone: (480) 733-6800  
Fax: (480) 733-3748  
[Efile.dockets@davismiles.com](mailto:Efile.dockets@davismiles.com)  
18 **Micheal E. Medina, Jr., SBN 014846**  
[mmedina@davismiles.com](mailto:mmedina@davismiles.com)  
19 **Steven Weinberger, SBN 015349**  
[sweinberger@davismiles.com](mailto:sweinberger@davismiles.com)  
20 **Taylor Calmelat, SBN 037217**  
[tcalmelat@davismiles.com](mailto:tcalmelat@davismiles.com)  
21 Attorney for Plaintiffs  
22

23 /s/ Thressa Brown  
24  
25  
26  
27  
28

# Exhibit A

1 **Davis Miles**  
2 **McGuire Gardner**  
3 40 E. Rio Salado Parkway, Suite 425  
Tempe, AZ 85281  
Telephone: (480) 733-6800  
Fax: (480) 733-3748  
`efile.dockets@davismiles.com`  
5 **Michael E. Medina, Jr., SBN 014846**  
`mmedina@davismiles.com`  
6 **Steven Weinberger, SBN 015349**  
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7 **Taylor Calmelat, SBN 037217**  
`tcalmelat@davismiles.com`

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YUMA**

11 ALLAN SCOTT and ERLINDA SCOTT,  
12 husband and wife;

CASE NO.

13 Plaintiff,

COMPLAINT

14 vs.

15 Hefei Wanli Tire Co., Ltd., a foreign joint  
venture; Wanli Tire Corp., Ltd., a foreign  
corporation; Wanli Commercial Tire North  
America, Inc., a foreign company; Guangzhou Industrial Investment Holding  
Group., Ltd., a foreign corporation; Hefei  
JAC Automobile Co., Ltd., a foreign  
corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation; DOES  
I through X, ABC PARTNERSHIPS I  
through X, and BLACK CORPORATIONS  
I through X,

21 Defendants.

22 Plaintiffs Allan Scott and Erlinda Scott, by and through undersigned counsel, alleges  
23 as follows:

24 **PARTIES, JURISDICTION, AND VENUE**

25 1. Plaintiffs Allan Scott and Erlinda Scott at all times are and were husband and  
26 wife.

1       2. Plaintiffs Allan Scott and Erlinda Scott are and were at all times residents of  
2 Yuma County, State of Arizona.

3       3. The events giving rise to this matter occurred in Yuma County, State of  
4 Arizona.

5       4. Defendant Hefei Wanli Tire Co., Ltd. ("Hefei Wanli Tire") is a foreign joint  
6 venture organized and existing under the laws of China, with its principal place of business  
7 in Anhui, China. Hefei Wanli Tire engaged in the business of manufacturing and selling tires  
8 in the United States market including the Arizona market, and as part of this business, Hefei  
9 Wanli designed, manufactured, marketed, and sold tires such as the subject Wanli Milever  
10 Suny Super Single Tire 385/65R22.5 tire, which is a part of this lawsuit.

11      5. Defendant Wanli Tire Corp., Ltd. ("Wanli Tire") is a foreign company is a  
12 foreign company organized and existing under the laws of China, with its principal place of  
13 business in Anhui, China including its truck tire factory. Wanli Tire engaged in the business  
14 of manufacturing and selling tires in the United States market including the Arizona market,  
15 and as part of this business, Wanli Tire designed, manufactured, marketed, and sold tires such  
16 as the subject Wanli Milever Suny Super Single Tire 385/65R22.5 tire, which is a part of this  
17 lawsuit.

18      6. Wanli Commercial Tire North America, Inc. ("Wanli Commerical Tire") is a  
19 division of Wanli Tire Corp., Ltd. Wanli Commercial Tire was established by Wanli Tire to  
20 handle imports, sales, and shipments of Wanli-brand truck and bus tires in the United States,  
21 Canada, and Mexico. Wanli Commercial Tire's principal place of business is Ontario,  
22 California.

23      7. Guangzhou Industrial Investment Holding Group., Ltd. ("Guangzhou") is a  
24 foreign company organized and existing under the laws of China, with its principal place of  
25 business in Guangzhou, China. Guangzhou is part of the joint venture Hefei Wanli Tire.

26      8. Hefei JAC Automobile Co., Ltd. ("Hefei JAC") is a foreign company organized  
27 and existing under the laws of China. Hefei JAC is part of the joint venture Hefei Wanli Tire.

1       9. South China Tire & Rubber Company, Ltd. (“South China Tire”) is a foreign  
2 company organized and existing under the laws of China. South China Tire engaged in the  
3 business of manufacturing and selling tires in the United States market including the Arizona  
4 market, and as part of this business, Hefei Wanli designed, manufactured, marketed, and sold  
5 tires such as the subject Wanli Milever Suny Super Single Tire 385/65R22.5 tire, which is a  
6 part of this lawsuit.

7 ||| 10. Venue is proper in Maricopa County, Arizona.

8       11. DOES I-X, ABC Partnerships I-X, and XYZ Corporations I-X are corporations,  
9 businesses, entities, persons, agents, servants, or employees whose true names are not known  
10 to Plaintiffs at the present time. Plaintiffs are informed and upon information and belief, alleges  
11 that DOES I-X, ABC Partnerships I-X, and XYZ Corporations I-X are residents of the State  
12 of Arizona or are doing business in the State of Arizona. When the true names of said persons,  
13 agents, servants, employees, corporations, or entities become known to Plaintiffs, they will ask  
14 leave of the court to amend the Complaint to reflect such true names together with the  
15 appropriate charging instruction allegations. Each of these Defendants caused Plaintiffs'  
16 injuries and damages by their negligence or by their breach of duties owed to Plaintiffs or is  
17 otherwise responsible as a matter of law for the acts of others who caused Plaintiffs' injuries  
18 and damages by such negligence and breach of duty.

19       12. All acts complained of were done by Defendants or their authorized agents, and  
20 if done by Defendants' employees, were performed while in the course and scope of their  
21 employment so that Defendants are legally responsible for their agents' or employees' acts.

## GENERAL ALLEGATIONS

23       13. Plaintiffs re-allege and incorporate by reference all prior allegations of this  
24 Complaint as though fully set forth herein.

25       14. On July 3, 2021 at approximately 12:22 p.m., Plaintiff Allan Scott was driving  
26 a 10-wheel Water Truck owned by his employer, Tri Rotor AG, on eastbound Interstate 10  
27 near mile marker 64.

15. Suddenly without warning, the left front tire experienced a tread/belt detachment that caused the vehicle to go out of control and roll onto its side.

16. The left front tire is a Milelever medium truck tire size 385/65R22.5 160J LRL with a DOT code of 4HBK 1516 manufactured and designed by Wanli Tire Corporation. *See, Exhibit 1.*

17. During the crash, Plaintiff Allan Scott received serious and permanent injuries as a result of the tire failure and subsequent rollover.

# COUNT I – STRICT PRODUCTS LIABILITY

## AGAINST TIRE DEFENDANTS

18. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

19. Defendants Hefei, Wanli Tire, Wanli Commercial Tire, Hefei JAC, Guangzhou, and South China Tire (jointly "Tire Defendants") designed, manufactured, tested, inspected, warranted, marketed, distributed, imported, and sold the Wanli Milever Suny Super Single Tire 385/65R22.5 tire ("Defective Tire").

20. Tire Defendants were in the business of selling tires when the "Defective Tire" was sold and the "Defective Tire" was in a defective and unreasonably dangerous condition.

21. At the above-described time and place, the "Defective Tire" was being used in a manner foreseeable by Tire Defendants and as so used, was defective, unfit and unreasonably dangerous for its intended and/or foreseeable uses

22. The "Defective Tire" was additionally defective and unreasonably dangerous in that Tire Defendants failed to provide adequate warnings including, but not limited to, warnings about tire aging and adequate instructions concerning its use.

23. The aforementioned incident was a direct and proximate result of a defect or defects in the "Defective Tire" and/or the failure of Tire Defendants to warn and instruct as to the safe and proper use of its tire. As a result, Tire Defendants should be held strictly liable in tort to Plaintiffs Allan Scott and Erlinda Scott.

24. As a direct and proximate result of the defective nature of the tire and said deficiencies in warnings and/or instructions, Plaintiff Allan Scott suffered significant bodily injuries, some of which may be permanent in nature. Plaintiff Allan Scott has also incurred lost wage damages, as a result of his bodily injuries. In addition, Plaintiff Allan Scott experienced severe emotional distress, pain and suffering, and loss of enjoyment of life, caused by Tire Defendants' tortious behavior. Additionally, Plaintiff Erlinda Scott suffered loss of consortium.

## **SECOND CAUSE OF ACTION**

## **NEGLIGENCE AGAINST TIRE DEFENDANTS**

25. Plaintiffs re-allege and incorporate by reference all prior allegations set forth in this Complaint as though fully set forth herein.

26. Tire Defendants were negligent and careless in the design, manufacture, inspection, assembly, installation, distribution, maintenance, and sale of the "Defective Tire" and in the failure to warn and instruct with respect to the safe and proper use of its tire.

27. As a direct and proximate result of such negligence and carelessness, Plaintiff Allan Scott suffered significant bodily injuries, some of which may be permanent in nature. Plaintiff Allan Scott has further incurred lost wage damages, as a result of his bodily injuries. In addition, Plaintiff Allan Scott experienced severe emotional distress, pain and suffering, and loss of enjoyment of life, caused by the Defendants' tortious behavior. Additionally, Plaintiff Erlinda suffered loss of consortium.

28. Acting to serve their own interests, Tire Defendants consciously disregarded the substantial risk that its conduct might significantly injure the rights of others, including motorists and passengers of vehicles equipped with Tire Defendants' tires, and consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to those persons. Tire Defendants should therefore be required to respond to Plaintiffs Allan Scott and Erlinda Scott in exemplary and punitive damages.

**For purposes of Tier Classification, this case belongs in Tier 3.**

1 WHEREFORE, Plaintiffs pray for judgment against Tire Defendants as follows:

2 (1) For the reasonable value of medical expenses incurred by Plaintiff Allan Scott;

3 (2) For the reasonable value of lost wages and lost earning capacity;

4 (3) For pain and suffering;

5 (4) For costs of this suit;

6 (5) For punitive and exemplary damages; and

7 (6) For loss of consortium for Plaintiff Erlinda Scott.

8 (7) For such other and further relief as the Court deems just and proper.

9

10 Dated this 28<sup>th</sup> day of June, 2023.

11

12 **DAVIS MILES MCGUIRE GARDNER, PLLC**

13

14 By: /s/Michael E. Medina, Jr.  
15 Michael E. Medina, Jr.  
16 Steven Weinberger  
17 Taylor Calmelat  
18 40 E. Rio Salado Parkway, Suite 425  
19 Tempe, AZ 85281  
20 *Attorneys for Plaintiffs*

21 ORIGINAL e-filed via TurboCourt  
22 this 28<sup>th</sup> day of June, 2023 with:

23 Clerk of the Court  
24 Yuma County Superior Court

# **Exhibit B**

Person/Attorney Filing: Michael E Medina JR  
Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
City, State, Zip Code: Tempe, AZ 85281  
Phone Number: (480)344-0957  
E-Mail Address: mmedina@davismiles.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.

Plaintiff(s),

v.

Hefei Wanli Tire Co., LTD, et al.

Defendant(s).

Case No. S1400CV202300382

**SUMMONS**

To: Wanli Tire Corp., LTD

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT  
AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO  
NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 250 W. 2nd Street, Yuma, Arizona 85364 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.  
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.  
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of YUMA

SIGNED AND SEALED this date: *June 28, 2023*

*Lynn Fazz*  
Clerk of Superior Court

By: *CIBROWN*  
Deputy Clerk



# Exhibit C

1 **Davis Miles**  
2

McGuire Gardner  
3 40 E. Rio Salado Parkway, Suite 425  
Tempe, AZ 85281  
Telephone: (480) 733-6800  
4 Fax: (480) 733-3748  
`efile.dockets@davismiles.com`

5 **Michael E. Medina, Jr., SBN 014846**

`mmedina@davismiles.com`

6 **Steven Weinberger, SBN 015349**

`sweinberger@davismiles.com`

7 **Taylor Calmelat, SBN 037217**

`tcalmelat@davismiles.com`

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YUMA**

11 ALLAN SCOTT and ERLINDA SCOTT,  
12 husband and wife;

13 Plaintiff,

14 vs.

15 Hefei Wanli Tire Co., Ltd., a foreign joint  
venture; Wanli Tire Corp., Ltd., a foreign  
16 corporation; Wanli Commercial Tire North  
America, Inc., a foreign company; Guangzhou Industrial Investment Holding  
17 Group., Ltd., a foreign corporation; Hefei  
JAC Automobile Co., Ltd., a foreign  
18 corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation; DOES  
19 I through X, ABC PARTNERSHIPS I  
through X, and BLACK CORPORATIONS I  
20 through X,

21 Defendants.

CASE NO.

DEMAND FOR JURY TRIAL

22 NOTICE IS HEREBY GIVEN that pursuant to Rule 38(b) of the Arizona Rules of  
23 Civil Procedure, Plaintiff, pursuant to A.R.S. § 12-612(A), hereby requests a trial by jury of  
24 all triable issues in the above-captioned matter.

25  
26 DATED this 28<sup>th</sup> day of June, 2023.

1  
2                   **DAVIS MILES MC GUIRE GARDNER, PLLC**  
3  
4

5                   By: /s/Michael E. Medina, Jr.  
6                   Michael E. Medina, Jr.  
7                   Steven Weinberger  
8                   Taylor Calmelat  
9                   40 E. Rio Salado Parkway, Suite 425  
10                  Tempe, AZ 85281  
11                  *Attorneys for Plaintiffs*

12                  ORIGINAL e-filed via TurboCourt  
13                  this 28<sup>th</sup> day of June, 2023 with:

14                  Clerk of the Court  
15                  Yuma County Superior Court

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# **Exhibit D**

FILED  
 Lynn Fazz  
 CLERK, SUPERIOR COURT  
 06/28/2023 2:29PM  
 BY: CIBROWN  
 DEPUTY

Case No.: S1400CV202300382  
 HON. HON LARRY KENWORTHY

Person/Attorney Filing: Michael E Medina JR  
 Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
 City, State, Zip Code: Tempe, AZ 85281  
 Phone Number: (480)344-0957  
 E-Mail Address: mmedina@davismiles.com  
 Representing Self, Without an Attorney  
 (If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.

Plaintiff(s),

Case No.

v.

Hefei Wanli Tire Co., LTD, et al.

Defendant(s).

**CERTIFICATE OF  
 COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Yuma County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Michael E Medina JR /s/  
 Plaintiff/Attorney for Plaintiff

# **Exhibit E**

FILED  
Lynn Fazz  
CLERK, SUPERIOR COURT  
06/28/2023 2:29PM  
BY: CIBROWN  
DEPUTY

Case No.: SI400CV202300382  
HON. HON LARRY KENWORTHY

1 **Davis Miles**  
2 McGuire Gardner  
3 40 E. Rio Salado Parkway, Suite 425  
4 Tempe, AZ 85281  
5 Telephone: (480) 733-6800  
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10 **Steven Weinberger, SBN 015349**  
11 [sweinberger@davismiles.com](mailto:sweinberger@davismiles.com)  
12 **Taylor Calmelat, SBN 037217**  
13 [tcalmelat@davismiles.com](mailto:tcalmelat@davismiles.com)

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF YUMA**

11 ALLAN SCOTT and ERLINDA SCOTT,  
12 husband and wife;

13 Plaintiff,

14 vs.

15 Hefei Wanli Tire Co., Ltd., a foreign joint  
16 venture; Wanli Tire Corp., Ltd., a foreign  
17 corporation; Wanli Commercial Tire North  
18 America, Inc., a foreign company;  
19 Guangzhou Industrial Investment Holding  
20 Group., Ltd., a foreign corporation; Hefei  
JAC Automobile Co., Ltd., a foreign  
corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation; DOES  
I through X, ABC PARTNERSHIPS I  
through X, and BLACK CORPORATIONS  
I through X,

21 Defendants.

CASE NO.

COMPLAINT

22 Plaintiffs Allan Scott and Erlinda Scott, by and through undersigned counsel, alleges  
23 as follows:

24 **PARTIES, JURISDICTION, AND VENUE**

25 1. Plaintiffs Allan Scott and Erlinda Scott at all times are and were husband and  
26 wife.

2. Plaintiffs Allan Scott and Erlinda Scott are and were at all times residents of Yuma County, State of Arizona.

3. The events giving rise to this matter occurred in Yuma County, State of Arizona.

4. Defendant Hefei Wanli Tire Co., Ltd. ("Hefei Wanli Tire") is a foreign joint venture organized and existing under the laws of China, with its principal place of business in Anhui, China. Hefei Wanli Tire engaged in the business of manufacturing and selling tires in the United States market including the Arizona market, and as part of this business, Hefei Wanli designed, manufactured, marketed, and sold tires such as the subject Wanli Milever Suny Super Single Tire 385/65R22.5 tire, which is a part of this lawsuit.

5. Defendant Wanli Tire Corp., Ltd. ("Wanli Tire") is a foreign company is a foreign company organized and existing under the laws of China, with its principal place of business in Anhui, China including its truck tire factory. Wanli Tire engaged in the business of manufacturing and selling tires in the United States market including the Arizona market, and as part of this business, Wanli Tire designed, manufactured, marketed, and sold tires such as the subject Wanli Milever Suny Super Single Tire 385/65R22.5 tire, which is a part of this lawsuit.

6. Wanli Commercial Tire North America, Inc. ("Wanli Commerical Tire") is a division of Wanli Tire Corp., Ltd. Wanli Commercial Tire was established by Wanli Tire to handle imports, sales, and shipments of Wanli-brand truck and bus tires in the United States, Canada, and Mexico. Wanli Commercial Tire's principal place of business is Ontario, California.

7. Guangzhou Industrial Investment Holding Group., Ltd. ("Guangzhou") is a foreign company organized and existing under the laws of China, with its principal place of business in Guangzhou, China. Guangzhou is part of the joint venture Hefei Wanli Tire.

8. Hefei JAC Automobile Co., Ltd. (“Hefei JAC”) is a foreign company organized and existing under the laws of China. Hefei JAC is part of the joint venture Hefei Wanli Tire

1       9. South China Tire & Rubber Company, Ltd. (“South China Tire”) is a foreign  
2 company organized and existing under the laws of China. South China Tire engaged in the  
3 business of manufacturing and selling tires in the United States market including the Arizona  
4 market, and as part of this business, Hefei Wanli designed, manufactured, marketed, and sold  
5 tires such as the subject Wanli Milever Suny Super Single Tire 385/65R22.5 tire, which is a  
6 part of this lawsuit.

7 | 10. Venue is proper in Maricopa County, Arizona.

8       11. DOES I-X, ABC Partnerships I-X, and XYZ Corporations I-X are corporations,  
9 businesses, entities, persons, agents, servants, or employees whose true names are not known  
10 to Plaintiffs at the present time. Plaintiffs are informed and upon information and belief, alleges  
11 that DOES I-X, ABC Partnerships I-X, and XYZ Corporations I-X are residents of the State  
12 of Arizona or are doing business in the State of Arizona. When the true names of said persons,  
13 agents, servants, employees, corporations, or entities become known to Plaintiffs, they will ask  
14 leave of the court to amend the Complaint to reflect such true names together with the  
15 appropriate charging instruction allegations. Each of these Defendants caused Plaintiffs'  
16 injuries and damages by their negligence or by their breach of duties owed to Plaintiffs or is  
17 otherwise responsible as a matter of law for the acts of others who caused Plaintiffs' injuries  
18 and damages by such negligence and breach of duty.

19       12. All acts complained of were done by Defendants or their authorized agents, and  
20 if done by Defendants' employees, were performed while in the course and scope of their  
21 employment so that Defendants are legally responsible for their agents' or employees' acts.

## **GENERAL ALLEGATIONS**

23 | 13. Plaintiffs re-allege and incorporate by reference all prior allegations of this  
24 | Complaint as though fully set forth herein.

25       14. On July 3, 2021 at approximately 12:22 p.m., Plaintiff Allan Scott was driving  
26 a 10-wheel Water Truck owned by his employer, Tri Rotor AG, on eastbound Interstate 10  
27 near mile marker 64.

15. Suddenly without warning, the left front tire experienced a tread/belt detachment that caused the vehicle to go out of control and roll onto its side.

16. The left front tire is a Milelever medium truck tire size 385/65R22.5 160J LRL with a DOT code of 4HBK 1516 manufactured and designed by Wanli Tire Corporation. See, Exhibit 1.

17. During the crash, Plaintiff Allan Scott received serious and permanent injuries as a result of the tire failure and subsequent rollover.

**COUNT I – STRICT PRODUCTS LIABILITY**  
**AGAINST TIRE DEFENDANTS**

18. Plaintiffs re-allege and incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

19. Defendants Hefei, Wanli Tire, Wanli Commercial Tire, Hefei JAC, Guangzhou, and South China Tire (jointly "Tire Defendants") designed, manufactured, tested, inspected, warranted, marketed, distributed, imported, and sold the Wanli Milever Suny Super Single Tire 385/65R22.5 tire ("Defective Tire").

20. Tire Defendants were in the business of selling tires when the "Defective Tire" was sold and the "Defective Tire" was in a defective and unreasonably dangerous condition.

21. At the above-described time and place, the "Defective Tire" was being used in a manner foreseeable by Tire Defendants and as so used, was defective, unfit and unreasonably dangerous for its intended and/or foreseeable uses.

22. The "Defective Tire" was additionally defective and unreasonably dangerous in that  
Tire Defendants failed to provide adequate warnings including, but not limited to, warnings about  
tire aging and adequate instructions concerning its use.

23. The aforementioned incident was a direct and proximate result of a defect or defects in the "Defective Tire" and/or the failure of Tire Defendants to warn and instruct as to the safe and proper use of its tire. As a result, Tire Defendants should be held strictly liable in tort to Plaintiffs Allan Scott and Erlinda Scott.

1       24. As a direct and proximate result of the defective nature of the tire and said deficiencies  
2 in warnings and/or instructions, Plaintiff Allan Scott suffered significant bodily injuries, some of which  
3 may be permanent in nature. Plaintiff Allan Scott has also incurred lost wage damages, as a result of his  
4 bodily injuries. In addition, Plaintiff Allan Scott experienced severe emotional distress, pain and  
5 suffering, and loss of enjoyment of life, caused by Tire Defendants' tortious behavior. Additionally,  
6 Plaintiff Erlinda Scott suffered loss of consortium.

**SECOND CAUSE OF ACTION**

## **NEGLIGENCE AGAINST TIRE DEFENDANTS**

9       25. Plaintiffs re-allege and incorporate by reference all prior allegations set forth in this  
0 Complaint as though fully set forth herein.

1       26. Tire Defendants were negligent and careless in the design, manufacture, inspection,  
2 assembly, installation, distribution, maintenance, and sale of the "Defective Tire" and in the failure  
3 to warn and instruct with respect to the safe and proper use of its tire.

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20       28. Acting to serve their own interests, Tire Defendants consciously disregarded the  
21 substantial risk that its conduct might significantly injure the rights of others, including motorists  
22 and passengers of vehicles equipped with Tire Defendants' tires, and consciously pursued a course  
23 of conduct knowing that it created a substantial risk of significant harm to those persons. Tire  
24 Defendants should therefore be required to respond to Plaintiffs Allan Scott and Erlinda Scott in  
25 exemplary and punitive damages.

**For purposes of Tier Classification, this case belongs in Tier 3.**

1 WHEREFORE, Plaintiffs pray for judgment against Tire Defendants as follows:

2 (1) For the reasonable value of medical expenses incurred by Plaintiff Allan Scott;

3 (2) For the reasonable value of lost wages and lost earning capacity;

4 (3) For pain and suffering;

5 (4) For costs of this suit;

6 (5) For punitive and exemplary damages; and

7 (6) For loss of consortium for Plaintiff Erlinda Scott.

8 (7) For such other and further relief as the Court deems just and proper.

9

10 Dated this 28<sup>th</sup> day of June, 2023.

11  
12 **DAVIS MILES MC GUIRE GARDNER, PLLC**

13  
14 By: /s/Michael E. Medina, Jr.  
15 Michael E. Medina, Jr.  
16 Steven Weinberger  
17 Taylor Calmelat  
18 40 E. Rio Salado Parkway, Suite 425  
19 Tempe, AZ 85281  
20 *Attorneys for Plaintiffs*

21 ORIGINAL e-filed via TurboCourt  
22 this 28<sup>th</sup> day of June, 2023 with:  
23  
24 Clerk of the Court  
25 Yuma County Superior Court  
26  
27  
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FILED  
Lynn Fazz  
CLERK, SUPERIOR COURT  
06/28/2023 2:29PM  
BY: CIBROWN  
DEPUTY

Case No.: S1400CV202300382  
HON. HON LARRY KENWORTHY

1 **Davis Miles**  
2 McGuire Gardner  
3 40 E. Rio Salado Parkway, Suite 425  
4 Tempe, AZ 85281  
5 Telephone: (480) 733-6800  
6 Fax: (480) 733-3748  
7 efile.dockets@davismiles.com  
8 **Michael E. Medina, Jr., SBN 014846**  
9 mmedina@davismiles.com  
10 **Steven Weinberger, SBN 015349**  
11 sweinberger@davismiles.com  
12 **Taylor Calmelat, SBN 037217**  
13 tcalmelat@davismiles.com

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YUMA**

11 ALLAN SCOTT and ERLINDA SCOTT,  
12 husband and wife;

13 Plaintiff,

14 vs.

15 Hefei Wanli Tire Co., Ltd., a foreign joint  
16 venture; Wanli Tire Corp., Ltd., a foreign  
17 corporation; Wanli Commercial Tire North  
18 America, Inc., a foreign company; Guangzhou Industrial Investment Holding  
19 Group., Ltd., a foreign corporation; Hefei  
20 JAC Automobile Co., Ltd., a foreign  
corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation; DOES  
I through X, ABC PARTNERSHIPS I  
through X, and BLACK CORPORATIONS I  
through X,

21 Defendants.

**CASE NO.**

**DEMAND FOR JURY TRIAL**

22 NOTICE IS HEREBY GIVEN that pursuant to Rule 38(b) of the Arizona Rules of  
23 Civil Procedure, Plaintiff, pursuant to A.R.S. § 12-612(A), hereby requests a trial by jury of  
24 all triable issues in the above-captioned matter.

25  
26 DATED this 28<sup>th</sup> day of June, 2023.  
27  
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1

2 **DAVIS MILES MC GUIRE GARDNER, PLLC**

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8 ORIGINAL e-filed via TurboCourt  
this 28<sup>th</sup> day of June, 2023 with:

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10 Clerk of the Court  
Yuma County Superior Court

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By: /s/Michael E. Medina, Jr.

Michael E. Medina, Jr.

Steven Weinberger

Taylor Calmelat

40 E. Rio Salado Parkway, Suite 425

Tempe, AZ 85281

*Attorneys for Plaintiffs*

FILED  
Lynn Fazz  
CLERK, SUPERIOR COURT  
06/28/2023 2:29PM  
BY: CIBROWN  
DEPUTY  
  
Case No.: S1400CV202300382  
HON. HON LARRY KENWORTHY

Person/Attorney Filing: Michael E Medina JR  
Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
City, State, Zip Code: Tempe, AZ 85281  
Phone Number: (480)344-0957  
E-Mail Address: mmedina@davismiles.com  
[  ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.

Plaintiff(s),

v.

Hefei Wanli Tire Co., LTD, et al.

Defendant(s).

Case No.

**CERTIFICATE OF  
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Yuma County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Michael E Medina JR /s/  
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Michael E Medina JR  
Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
City, State, Zip Code: Tempe, AZ 85281  
Phone Number: (480)344-0957  
E-Mail Address: mmedina@davismiles.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.  
Plaintiff(s),  
v.  
Hefei Wanli Tire Co., LTD, et al.  
Defendant(s).

Case No. S1400CV202300382

**SUMMONS**

To: Hefei Wanli Tire Co., LTD

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT  
AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO  
NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 250 W. 2nd Street, Yuma, Arizona 85364 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.  
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.  
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of YUMA

SIGNED AND SEALED this date: *June 28, 2023*

*Lynn Fazz*  
Clerk of Superior Court

By: *CIBROWN*  
Deputy Clerk



Person/Attorney Filing: Michael E Medina JR  
Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
City, State, Zip Code: Tempe, AZ 85281  
Phone Number: (480)344-0957  
E-Mail Address: mmedina@davismiles.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.  
Plaintiff(s),  
v.  
Hefei Wanli Tire Co., LTD, et al.  
Defendant(s).

Case No. S1400CV202300382

**SUMMONS**

To: Wanli Tire Corp., LTD

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of YUMA

SIGNED AND SEALED this date: *June 28, 2023*

*Lynn Fazz*  
Clerk of Superior Court

By: *CIBROWN*  
Deputy Clerk



Person/Attorney Filing: Michael E Medina JR  
Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425  
City, State, Zip Code: Tempe, AZ 85281  
Phone Number: (480)344-0957  
E-Mail Address: mmedina@davismiles.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 014846, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

Allen Scott, et al.  
Plaintiff(s),  
v.  
Hefei Wanli Tire Co., LTD, et al.  
Defendant(s).

Case No. S1400CV202300382

**SUMMONS**

To: Wanli Commercial Tire North America, Inc.

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 250 W. 2nd Street, Yuma, Arizona 85364 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.  
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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of YUMA

SIGNED AND SEALED this date: *June 28, 2023*

*Lynn Fazz*  
Clerk of Superior Court

By: *CIBROWN*  
Deputy Clerk



# **Exhibit F**

**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
MATTHEW D. KLEIFIELD SB #011564  
[Matthew.Kleifield@lewisbrisbois.com](mailto:Matthew.Kleifield@lewisbrisbois.com)  
CAMERON A. HAMRICK, SB #039293  
[Cameron.Hamrick@lewisbrisbois.com](mailto:Cameron.Hamrick@lewisbrisbois.com)  
Phoenix Plaza Tower II  
2929 North Central Avenue, Suite 1700  
Phoenix, Arizona 85012-2761  
Telephone: 602.385.1040  
Facsimile: 602.385.1051  
Firm email: [azdocketing@lewisbrisbois.com](mailto:azdocketing@lewisbrisbois.com)  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA, PHOENIX

11 Allen Scott and Erlinda Scott, husband and wife.

Case No.

**Plaintiff.**

vs.

14 Hefei Wanli Tire Co., Ltd., a Foreign joint  
15 venture; Wanli Tire Corp., Ltd., a foreign  
16 corporation Wanli Commercial Tire North  
17 America, Inc., a foreign company;  
18 Guangzhou Industrial Investment Holding  
19 Group., Ltd., a Foreign corporation: Hefei  
JAC Automobile Co., Ltd., a foreign  
corporation; South China Tire & Rubber  
Company, Ltd., a foreign corporation;  
20 DOES I through X, ABC  
PARTNERSHIPS I through X, and  
BLACK CORPORATIONS I through X.,

**DECLARATION OF COUNSEL IN  
SUPPORT OF NOTICE OF  
REMOVAL**

Judge:

## 21 || Defendant.

Pursuant to 28 U.S.C. § 1446(a) and L.R. Civ. 2.6(b), the undersigned Matthew D. Kleifield, hereby declares as follows:

25        1. I am counsel for Wanli Tire Co., Ltd. in this action.  
26        2. I have firsthand knowledge of the matters set forth herein.  
27        3. Exhibits A, B, C, D, E, F, & G to the Notice of Removal Constitute true and  
28 correct copies of all the pleadings and other documents that have been filed in the state court

1 proceeding.

2 I declare under penalty of perjury that the foregoing is true and correct to the best of  
3 my knowledge.  
4

5 DATED this 22<sup>nd</sup> day of November, 2024

6 LEWIS BRISBOIS BISGAARD & SMITH LLP

7  
8 By: \_\_\_\_\_ /s/ Matthew D. Kleifield  
9 Matthew D. Kleifield  
10 Cameron A. Hamrick  
11 Attorneys for Defendants  
12  
13  
14

#### CERTIFICATE OF SERVICE

15 I hereby certify that on November 22, 2024, I electronically transmitted the attached  
16 document to the Clerk's Office for filing using the CM/ECF System, including as to the  
17 following parties.  
18

19 Davis Miles  
20 **McGuire Gardner**  
21 40 E. Rio Salado Parkway Suite 425  
Tempe, AZ 85281  
Telephone: (480) 733-6800  
Fax: (480) 733-3748  
[Efile.dockets@davismiles.com](mailto:Efile.dockets@davismiles.com)  
22 Micheal E. Medina, Jr., SBN 014846  
[mmedina@davismiles.com](mailto:mmedina@davismiles.com)  
23 Steven Weinberger, SBN 015349  
[sweinberger@davismiles.com](mailto:sweinberger@davismiles.com)  
24 Taylor Calmelat, SBN 037217  
[tcalmelat@davismiles.com](mailto:tcalmelat@davismiles.com)  
25 Attorney for Plaintiffs  
26  
27

28 /s/ Thressa Brown

# **Exhibit G**

MATTHEW D. KLEIFIELD SB #011564  
[Matthew.Kleifield@lewisbrisbois.com](mailto:Matthew.Kleifield@lewisbrisbois.com)  
CAMERON A. HAMRICK, SB #039293  
[Cameron.Hamrick@lewisbrisbois.com](mailto:Cameron.Hamrick@lewisbrisbois.com)

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SUPERIOR COURT OF THE STATE OF ARIZONA

## COUNTY OF YUMA

ALLEN SCOTT and ERLINDA SCOTT,  
husband and wife,

Plaintiff.

vs.

Hefei Wanli Tire Co., Ltd., a Foreign joint venture; Wanli Tire Corp., Ltd., a foreign corporation Wanli Commercial Tire North America, Inc., a foreign company; Guangzhou Industrial Investment Holding Group., Ltd., a Foreign corporation: Hefei JAC Automobile Co., Ltd., a foreign corporation; South China Tire & Rubber Company, Ltd., a foreign corporation; DOES I through X, ABC PARTNERSHIPS I through X, and BLACK CORPORATIONS I through X,,

Defendant.

Case No. S1400CV202300382

## **NOTIFICATION OF NOTICE OF REMOVAL**

Judge: Hon. Larry Kenworthy

**TO THE CLERK OF THE COURT, PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on the 21<sup>st</sup> day of November 2024, Defendant Wanli Tire Corp. Ltd filed its Notice of Removal in the United States District Court for the District of Arizona for removal of this action to that court. A full and correct copy of said Notice of Removal is attached as **Exhibit 1**.

1 DATED this 21<sup>st</sup> day of November, 2024

2 LEWIS BRISBOIS BISGAARD & SMITH LLP

3  
4 By: /s/ Matthew D. Kleifield  
5 Matthew D. Kleifield  
6 Cameron A. Hamrick  
7 *Attorneys for Defendants*

8 ORIGINAL of the foregoing e=filed  
9 this 21<sup>st</sup> day of November, 2024 with:

10 Yuma County Superior Court

11 COPY of the foregoing emailed  
12 this 21<sup>st</sup> day of November, 2024 to:

13 /s/ Thressa Brown